

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHERWIN COOPERSTEIN, BY)	
ALICE COOPERSTEIN, POA, AND)	
ALICE COOPERSTEIN,)	
Plaintiff)	CIVIL ACTION
)	NO. 04-12099 GAO
v.)	
)	
ROBERT M. DAVIS, M.D. AND)	
CAPE COD HEALTH CARE, INC.,)	
Defendants)	

**ANSWER OF THE DEFENDANTS, ROBERT M. DAVIS, M.D., AND
CAPE COD HEALTH CARE, INC. TO PLAINTIFFS' COMPLAINT**

Jurisdiction and Venue

The defendants, Robert M. Davis, M.D. and Cape Cod Health Care, Inc., hereby responds to the plaintiffs' complaint, paragraph by paragraph, as follows:

1. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the plaintiffs' complaint and therefore deny these allegations and calls upon the plaintiffs for proof of the same.
2. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the plaintiffs' complaint and therefore deny these allegations and calls upon the plaintiffs for proof of the same.
3. The defendants admit the allegations contained in this paragraph.
4. The defendants admit the allegations contained in this paragraph.
5. The defendants deny the allegations contained in paragraph.
6. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the plaintiffs' complaint and therefore deny these allegations and calls upon the plaintiffs for proof of the same.
7. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the plaintiffs' complaint and therefore deny these allegations and calls upon the plaintiffs for proof of the same.

First Count

1. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the plaintiffs' complaint and therefore deny these allegations and calls upon the plaintiffs for proof of the same.

2. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the plaintiffs' complaint and therefore deny these allegations and calls upon the plaintiff for proof of the same.

3. The defendant admits that he is a physician licensed to practice in the Commonwealth of Massachusetts.

4. The defendants admit the allegations contained in this paragraph.

5. The defendants deny the allegations contained in paragraph.

6. The defendants admit the allegations contained in this paragraph.

7. The defendants admit that at or about 7:00 p.m. Dr. Davis undertook for a period of time the care of Dr. Cooperstein.

8. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the plaintiffs' complaint and therefore deny these allegations and calls upon the plaintiff for proof of the same.

9. The defendants deny the allegations contained in paragraph.

10. The defendants deny the allegations contained in paragraph.

11. The defendants deny the allegations contained in paragraph.

12. The defendants deny the allegations contained in paragraph.

13. The defendants deny the allegations contained in paragraph.

14. The defendants deny the allegations contained in paragraph.

15. The defendants deny the allegations contained in paragraph.

Second Count

1-10. The defendants reallege and reaffirm their responses as set forth in paragraphs through of this Answer, and incorporates them by reference herein.

11. The defendants deny the allegations contained in paragraph.

12. The defendants deny the allegations contained in paragraph.

13.15. The defendants deny the allegations contained in paragraph.

CERTIFICATE OF SERVICE

I, Edward T. Hinchey, counsel for defendant, do hereby certify that on December 14, 2004, I caused to be served a true copy of the foregoing upon the parties by mailing same, postage prepaid, first class mail, to their counsel of record:

Rosemary A. Macero, Esq.
Macero & Associates, P.C.
One Thompson Square #301
Boston, MA 02129

Gerald S. Sack, Esq.
Sack, Spector & Karsten, LLP
536 Farmington Avenue, Suite 221
West Hartford, CT 06119

/s/ Edward T. Hinchey
Edward T. Hinchey

**THE DEFENDANTS DEMAND A TRIAL BY JURY ON ALL CLAIMS
AND ISSUES.**

Respectfully submitted,
ROBERT M. DAVIS, M.D. and
CAPE COD HEALTH CARE, INC.,
By its attorneys,

/s/ Edward T. Hinchey
Edward T. Hinchey, BBO #235090
Sloane & Walsh, LLP
3 Center Plaza
Boston, MA 02108
(617) 523-6010

Dated: December 14, 2004